

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Henry Oliver	Team: Squad #3	CCRB Case #: 201802314	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 03/25/2018 1:30 AM	Location of Incident: Bowlmor Lanes (60 Chelsea Piers)	Precinct: 10	18 Mo. SOL 9/25/2019	EO SOL 9/25/2019	
Date/Time CV Reported Mon, 03/26/2018 12:26 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 03/26/2018 12:26 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Katia Jasmin	00567	932821	DB SVD

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Katia Jasmin	Force: Detective Katia Jasmin used pepper spray against individuals.	
B.DT3 Katia Jasmin	Force: Detective Katia Jasmin used pepper spray against § 87(2)(b)	
C.DT3 Katia Jasmin	Force: Detective Katia Jasmin used pepper spray against § 87(2)(b)	
D.DT3 Katia Jasmin	Force: Detective Katia Jasmin used pepper spray against § 87(2)(b)	

Case Summary

On March 26, 2018, § 87(2)(b) filed the following complaint over the phone with the Civilian Complaint Review Board (CCRB).

On March 25, 2018, at approximately 1:30 a.m., Detective Katia Jasmin, of the Detective Bureau Special Victims Division, was on a foot patrol as part of a paid detail outside of Bowlmor Lanes, located at 60 Chelsea Piers in Manhattan, when she heard a commotion. While interacting with members of the crowd, Detective Jasmin allegedly used her pepper spray against § 87(2)(b) and other individuals (**Allegations A, B, C, and D: Force,** § 87(2)(g) § 87(2)(b) and § 87(2)(b) were taken to the hospital to be treated for the pepper spray. No arrests were made nor summonses issued as a result of this incident.

Video footage of the incident was obtained from Bowlmor Lanes, but does not capture the above allegations, or clearly show any additional allegations. This case was reassigned to Investigative Manager Monique West after Investigator Nathan Winshall's departure from the agency.

Findings and Recommendations

Allegation (A) Force: Detective Katia Jasmin used pepper spray against § 87(2)(b)

Allegation (B) Force: Detective Katia Jasmin used pepper spray against § 87(2)(b)

Allegation (C) Force: Detective Katia Jasmin used pepper spray against § 87(2)(b)

Allegation (D) Force: Detective Katia Jasmin used pepper spray against individuals.

It is undisputed that Detective Jasmin deployed her pepper spray amongst a crowd of individuals. § 87(2)(g)

§ 87(2)(b) stated that she was at Bowlmor Lanes in Chelsea Piers when some of the members of her party got locked outside after exiting the establishment, without knowledge of their no re-entry policy. There were approximately 10 to 15 people outside trying to re-enter, including § 87(2)(b) her brother, § 87(2)(b) and two of their friends who she could not identify by name. The crowd was yelling at the security guards and banging on the doors but were not taking any other physical actions. Detective Jasmin arrived and the security guards informed her that the crowd was attempting to get back in. Detective Jasmin instructed everyone to remain calm. The security guard manager opened a door to allow the crowd inside but a female security guard did not want to allow anyone in. The manager maneuvered the top portion of the door to open it while the female security guard maneuvered the lower portion of the door to keep it closed. The door was open wide enough for a person to stand in the doorway. Detective Jasmin took out her pepper spray, held it in her right hand, and ordered the crowd to "back up." Detective Jasmin then sprayed, in a line, from § 87(2)(b) to § 87(2)(b) to § 87(2)(b) later stated that the pepper spray did not affect her at that time but affected § 87(2)(b) and other members of the crowd. Detective Jasmin then directly pepper sprayed § 87(2)(b) in her face. § 87(2)(b) bent down and Detective Jasmin sprayed her a second time. The second spray affected § 87(2)(b) and the female security guard who were standing behind § 87(2)(b) The female officer fell down in response. § 87(2)(b) was pepper sprayed in her mouth, which caused her to have a nose bleed. § 87(2)(b) did not see anyone else get sprayed.

§ 87(2)(b)'s phone statement was generally consistent with § 87(2)(b)'s statement, except where otherwise noted. § 87(2)(b) stated that as soon as she stepped outside, she noticed that there was an argument between the security guards and a group of people at the door, waiting to get inside of the bowling alley. After Detective Jasmin arrived, the group of people who had

been arguing with the security guards yanked at the door in an attempt to get inside. Detective Jasmin then took out her pepper spray and sprayed § 87(2)(b) and a few other people.

§ 87(2)(b)'s sister, provided a phone statement in which she stated that her brother, § 87(2)(b) and his girlfriend, known only as § 87(2)(b), were arguing and a male security guard told them that if they did not stop arguing, they would have to leave. § 87(2)(b) asked § 87(2)(b) to check on § 87(2)(b)'s girlfriend, who had gone outside to check on § 87(2)(b) and § 87(2)(b). § 87(2)(b) was standing in the vestibule of the bowling alley when § 87(2)(b) saw Detective Jasmin pepper spray her. § 87(2)(b) who was also in the vestibule, was affected by the pepper spray although Detective Jasmin had not been aiming at § 87(2)(b).

§ 87(2)(b) who worked as a security guard inside of Bowlmor Lanes, stated that a female patron was intoxicated and had been kicked out of the establishment by the security guards. She left the bowling alley with four of her male friends. § 87(2)(b) was told by her fellow security guards that the female patron had been fighting with her boyfriend. § 87(2)(b) did not know if this fight was verbal or physical. § 87(2)(b) went outside to check on the female patron. § 87(2)(b) told § 87(2)(b) that the female patron and her male friends would not be allowed back in. The individuals left and a few minutes later they returned. The security guards told them that they were not allowed back inside. § 87(2)(b) described the group as "aggressive" both verbally and physically. § 87(2)(b) closed the door on them and the group began to curse and make threats, stating, "I'm going to fuck you up" as they began to push and bang on the door in attempt to open it. The female patron opened the door and some of the men she was with attempted to re-enter. § 87(2)(b) and her co-workers began to push the men back out. One of § 87(2)(b)'s co-workers were arguing with one of the males outside, getting into each other's faces although they did not physically touch one another.

§ 87(2)(b) then noticed Detective Jasmin standing outside, near the exit door, telling the group, who were still banging on the door, to stop and that they could be arrested. (Because no other witness alleged a threat of arrest, and the victims of this threat are currently unidentified, the threat of arrest is not pleaded.) § 87(2)(b) was still trying to close the door when one of the female patron's sisters came and opened the door. § 87(2)(b) said, "Lady, do you know what you just did?" Detective Jasmin then deployed her pepper spray and it hit the window. § 87(2)(b) later stated that she did not see Detective Jasmin use her pepper spray but she felt it and believed that Detective Jasmin had aimed her pepper spray at "everyone." At this point all the people outside the bowling alley rushed inside. All the patrons were forced to leave the bowling alley, as the dispute had spread from the vestibule further into the bowling alley after the pepper spray was discharged. § 87(2)(b)'s phone statement was generally consistent with her in-person statement.

§ 87(2)(b) § 87(2)(b) who was working as a security guard at Bowlmor Lanes, stated that a male and a group that he was with left the bowling alley and attempted to re-enter. Upon § 87(2)(b) explaining that there was a no re-entry policy, the group began to pull on the doors in attempt to re-enter. § 87(2)(b) § 87(2)(b) stated that things became "heated" and two of his fellow security guards got into an argument with the group and although there was no physical interaction, "it looked like a fight." Detective Jasmin, who was walking by and was not called to the scene by the security officers, approached the group and stated, "If you don't stop talking that way, I'm going to mace you," while removing her pepper spray. The security guards informed her that they had everything under control. Seconds later, Detective Jasmin discharged her pepper spray. § 87(2)(b) Judah later stated that no one said anything to Detective Jasmin before she discharged her pepper spray.

Detective Jasmin aimed her pepper spray at the group which consisted of the male, his friends, and the security guards.

§ 87(2)(b) § 87(2)(b) who was working as a security guard at Bowlmor Lanes, was uncooperative with the investigation.

§ 87(2)(b) § 87(2)(b) stated that she and her party were trying to re-enter the bowling alley when Detective Jasmin arrived. She denied that she and her group were being “rowdy” or had anything to do with the fights that had occurred inside of the bowling alley which she believed Detective Jasmin had been responding to. (Detective Jasmin told her party to, “Get the fuck back.” As § 87(2)(b) did not provide a sworn statement and no other individuals made this allegation, it is not pleaded.) Detective Jasmin pulled out her “pepper spray” and sprayed “everybody.”

Detective Jasmin stated that she was walking alone when she heard a commotion outside of Bowlmor Lanes. Detective Jasmin was wearing an NYPD uniform and on a paid-detail organized through the NYPD. Upon approach, Detective Jasmin saw a group of at least 10 people, who were arguing and fighting, by the entrance to Bowlmor Lanes. She described what she saw as a “brawl.” Detective Jasmin was unsure what the group was fighting about and was unsure if the group was trying to get back inside the bowling alley. One male, who was “aggressively” banging on the front door, appeared to be the main aggressor. Detective Jasmin later stated that other than banging, pushing, and pulling on the door, she did not observe any other physical interactions among the civilians. The security guards, who were wearing all black, were trying to keep the door closed. Some of the individuals attempting to get into the bowling alley appeared to be arguing with individuals on the other side of the door, inside of the bowling alley. Detective Jasmin could not tell how many people were on the other side of the door, inside of the bowling alley. Detective Jasmin stated several times, “Can you guys stop it?” addressing the group. A few individuals turned to look at her but no one responded and no one complied. The door opened slightly and the “main aggressor” tried to charge in. Detective Jasmin grabbed him in an attempt to stop him as she believed that he was going to fight someone inside.

In response, the male turned around and put his hands up in front of his chest in a fighting stance. Detective Jasmin did not recall if the male’s hands were clenched. Detective Jasmin immediately removed and discharged her pepper spray at the male. She did not issue any commands before using her pepper spray as she did not have an opportunity to. Detective Jasmin did not know where the pepper spray hit the individual or if it even hit him and did not know if anyone was between her and the male when she discharged her pepper spray. Detective Jasmin believed she sprayed one or two bursts. She did not aim the pepper spray at anyone other than the “main aggressor.” Upon discharging the pepper spray, there was still a crowd of at least 10 people within a few feet of the “main aggressor.” Detective Jasmin did not see where this individual went after she discharged the pepper spray, as the crowd immediately dispersed and ran in different directions. Det. Jasmin believed that the crowd ran to their respective cars and away from the bowling alley. Det. Jasmin noted that she had not received any special training regarding the use of pepper spray other than the training that all officers receive at the range twice a year.

According to Patrol Guide Procedure 221-07, O.C. pepper spray may be used to gain or maintain control of persons who are actively resisting arrest or lawful custody or exhibiting active aggression, or to prevent individuals from physically injuring themselves, members of the service, or other persons. O.C. pepper spray shall not be used in situations that do not require the use of physical force. O.C. pepper spray should not be used on subjects who passively resist. Officers trained in the use of O.C. pepper spray for disorder control may use it in accordance with

their training. However, officers should avoid using it indiscriminately over a large area for crowd control, or in small contained areas. (BR 01).

Patrol Guide 221-01 states that force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances (BR 02).

§ 87(2)(g)

[REDACTED]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 03).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 04).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 05).
- Detective Katia Jasmin has been a member-of-service for fifteen years and has been a subject in two CCRB complaints and two allegations, none of which were substantiated.

§ 87(2)(g)

[REDACTED]

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.

- § 87(2)(b), § 87(2)(c) (impair contract awards or CBAs)

[REDACTED]

- § 87(2)(b), § 87(2)(c) (impair contract awards or CBAs)

[REDACTED]

- § 87(2)(b), § 87(2)(c) (impair contract awards or CBAs)

[REDACTED]

[REDACTED]

- On August 28, 2018, a Notice of Claims inquiry was submitted. Its results will be added to the case file upon receipt.
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Squad No.: _____

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date